

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1806 of 1986

For Approval and Signature:

Hon'ble MISS JUSTICE R.M.DOSHIT

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1. Whether Reporters of Local Papers may be allowed to see the judgements?

2. To be referred to the Reporter or not?

3. Whether Their Lordships wish to see the fair copy of the judgement?

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?

5. Whether it is to be circulated to the Civil Judge?

( 1 to 5 : No )

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JAWAHAR N PANDHI

Versus

G H B

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Appearance:

MR JJ YAJNIK for Petitioner

MRS KETTY A MEHTA for Respondent No. 1, 2(Absent).

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CORAM : MISS JUSTICE R.M.DOSHIT

Date of decision: 23/08/96

ORAL JUDGEMENT

The petitioner who was appointed temporarily under the respondent Board on 2-1-1978 as Clerk-cum-Typist was later on regularly appointed as clerk-cum-typist on 3rd December, 1983 on probation for one year. During his service on temporary basis the Executive Engineer under whom the petitioner was serving had found the petitioner's service satisfactory and had

recommended the petitioner for regular appointment. After his regular appointment on 3rd December, 1983 petitioner's period of probation has been extended from time to time for a period of six months. The Executive Engineer, Housing Division, Rajkot, had recommended the respondent No.1 Board to confirm the period of probation of the petitioner since his services were found to be satisfactory. He has also expressed that the continuation of the petitioner on probation was not justified since his services were found to be satisfactory. The recommendation is annexed to the petition at page 38.

I am told by learned advocate Mr.Yagnik that till today no decision has been taken by the respondent Board for confirmation of the termination of the petitioner's probation period and for confirmation of his services. As a result, for a period of 13 years the petitioner is deprived of increments as well as right to seniority and further promotion. In the circumstances it would be just and expedient to direct the respondent to consider the case of the petitioner keeping in view the recommendation made in his favour by the concerned Executive Engineer. I, therefore, direct the respondent No.1 to consider the case of the petitioner for termination of the period of probation and for confirmation of his his service. Respondent No.1 is further directed to consider the date from which the petitioner's probation should be terminated. It is further directed that the respondent No.1 shall release the increments due and payable to the petitioner from the date from which his period of probation is terminated. The petitioner shall be entitled to further promotion on the basis of such date of confirmation of service. The aforesaid exercise shall be completed by respondent No.1 within a period of four months from the date of the receipt of writ of this court and it should communicate its decision to the petitioner herein.

Petition is allowed to the aforesaid extent. Rule is made absolute accordingly. There shall be no order as to costs.